

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.
Case No. 04-10738 PBS

EBEN ALEXANDER, III, M.D.

Plaintiff,

v.

BRIGHAM AND WOMEN'S PHYSICIANS
ORGANIZATION, INC., successor to
Brigham Surgical Group Foundation, Inc.,
BOSTON NEUROSURGICAL FOUNDATION
INC., BRIGHAM SURGICAL GROUP
FOUNDATION, INC. DEFERRED
COMPENSATION PLAN, BRIGHAM
SURGICAL GROUP FOUNDATION, INC.
FACULTY RETIREMENT BENEFIT
PLAN, COMMITTEE ON COMPENSATION
OF THE BRIGHAM SURGICAL GROUP
FOUNDATION, INC., FIDELITY
INVESTMENTS INSTITUTIONAL
OPERATIONS CO., INC., FIDELITY
MANAGEMENT TRUST CO., and
PETER BLACK, M.D.

Defendants.

DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY MEMORANDUM

Defendants Brigham and Women's Physicians Organization, Inc., Boston Neurosurgical Foundation, Inc., Brigham Surgical Group Foundation, Inc. Deferred Compensation Plan, Brigham Surgical Group Foundation, Inc. Faculty Retirement Plan, Committee on Compensation of the Brigham Surgical Group Foundation, Inc., Peter Black, M.D., Fidelity Management Trust Co., and Fidelity Investments Institutional Operations Co. (collectively, the "defendants"), hereby move for leave to file a Reply Memorandum, which is attached hereto. In support of this motion, defendants state that their Reply Memorandum is brief (7 pages) and addresses discrete factual and legal inaccuracies contained in plaintiff's Opposition to defendants' Motion to

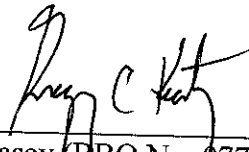
Dismiss, and will materially assist the Court in clarifying and disposing of the issues raised in defendants' Motion to Dismiss.

WHEREFORE, defendants respectfully request that the Court grant their Motion for Leave to File Reply Memorandum.

Respectfully submitted,

BRIGHAM AND WOMEN'S PHYSICIANS
ORGANIZATION, INC., BOSTON
NEUROSURGICAL FOUNDATION INC.,
BRIGHAM SURGICAL GROUP FOUNDATION,
INC. DEFERRED COMPENSATION PLAN,
BRIGHAM SURGICAL GROUP FOUNDATION,
INC. FACULTY RETIREMENT BENEFIT PLAN,
COMMITTEE ON COMPENSATION OF THE
BRIGHAM SURGICAL GROUP FOUNDATION,
INC., PETER BLACK, M.D., FIDELITY
INVESTMENTS INSTITUTIONAL
OPERATIONS CO., INC. AND FIDELITY
MANAGEMENT TRUST CO., INC.

By their attorneys,

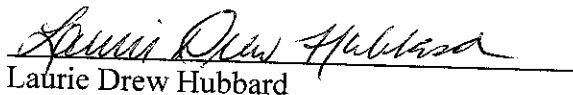


David C. Casey (BBO No. 077260)
Gregory C. Keating (BBO No. 564523)
Laurie Drew Hubbard (BBO No. 651109)
LITTLER MENDELSON, PC
225 Franklin Street, 26th Floor
Boston, MA 02110
(617) 217-2831

Dated: July 2, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each other party by hand on July 2, 2004.


Laurie Drew Hubbard

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